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Of Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION**

LARRY DEAN CROW,

Plaintiff,

v.

**BROOKS MOTOR COMPANY,
INC. an Oregon Corporation, and
GARY BROOKS, individually,**

Defendants.

Civil No.: 3:13-cv-00757-ST

**ANSWER TO DEFENDANTS'
COUNTERCLAIM**

In answer to Defendants Brooks Motor Company and Gary Brooks' ("Defendants") Counterclaims and Affirmative Defenses, Plaintiff Larry Dean Crow ("Plaintiff") admits, denies and alleges as follows:

1. With respect to paragraph 1 of Defendants' Answer, Plaintiff denies that he worked for Defendants as an independent contractor. Plaintiff re-alleges that he was an employee of Brooks Motor Company, Inc. and Gary Brooks, individually.

**PLAINTIFF'S ANSWER TO DEFENDANTS'
COUNTERCLAIM - 1**

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2. In response to paragraph 2 of Defendants' Answer, Plaintiff denies Defendants' allegation that the Court lacks original jurisdiction in this matter.

3. With respect to paragraph 3 of Defendants' Answer, Plaintiff denies Defendants' allegation that the Court lacks supplemental jurisdiction over the claims arising under Oregon state law.

4. In response to paragraph 38 of Defendants' Answer under "FIRST AFFIRMATIVE DEFENSE," Plaintiff denies Defendants' assertion on that they were not Plaintiff's employers. In response to the first sentence of paragraph 38, Defendants assert a legal conclusion to which no response is required. Plaintiff re-alleges that Defendant Gary Brooks is individually liable to Plaintiff as an employer under Federal and Oregon wage laws because he had the power to hire Plaintiff, exercised control over his pay and working hours, and supervised Plaintiff's work.

5. In response to paragraph 40 under "FIRST COUNTERCLAIM," Plaintiff denies the allegation in its entirety.

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6. Plaintiff re-alleges and incorporates by reference the allegations made in Plaintiff's Complaint in paragraphs 4 -36.

Respectfully submitted this 1st day of August, 2013.

/s/ Erin M. Pettigrew
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CERTIFICATE OF SERVICE

I, Erin M. Pettigrew, hereby certify that I served the foregoing document on Defendants Brooks Motor Company and Gary Brooks by serving said document by electronic means through the Court's EM/ECF System on August 1, 2013 to William Brandt, Bill@BrandtLawOffices.com, 880 Liberty St. NE, Suite 500, Salem, Oregon 97301.

/s/ Erin M. Pettigrew

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